

Exhibit 5

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telephonic proceeding

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 ULKU ROWE,

4 Plaintiff,

New York, N.Y.

5 v.

19 Civ. 8655 (LGS)

6 GOOGLE, LLC,

7 Defendant.

8 -----x

9 May 14, 2020

10:48 a.m.

11 Before:

12 HON. LORNA G. SCHOFIELD,

13 District Judge

14 APPEARANCES

15
16 OUTTEN & GOLDEN, LLP
Attorneys for Plaintiff
17 BY: CARA GREENE

18
19 PAUL HASTINGS, LLP
Attorneys for Defendant
20 BY: KENNETH W. GAGE
BY: CAITLIN D. BROWN

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1 level 8 we have 19, there would be 19 individuals in the level
2 8 principal technical solutions consultant role, and then there
3 will be six individuals in the level 9.

4 THE COURT: And are people both hired into those
5 levels and promoted into those levels?

6 MR. GAGE: Yes, your Honor.

7 MS. BROWN: Yes, they are.

8 THE COURT: So, what plaintiff is saying here is that
9 she was hired into level 8 and that she should have been hired
10 into level 9, right?

11 MS. BROWN: That's our understanding, your Honor.

12 THE COURT: Do you have any idea of the gender
13 breakdown, so these 19 people at level 8, how many were male?

14 MS. BROWN: The data that I have does not provide a
15 gender, however if I am making assumptions based on the
16 individuals' names then it looks like there might have been two
17 or three as of November 2019 who were women and the other 16
18 would have been male. But, it is assumptions based on
19 individuals' first names.

20 THE COURT: Of the six people who were at level 9, how
21 many of those were women versus men?

22 MS. BROWN: So, I would say there are five who I know
23 are male, another individual I am not sure of their gender
24 based on that person's first name.

25 THE COURT: Okay, so, either five or all of the six at

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1 level 9 were male.

2 MS. BROWN: Yes, your Honor; as of November 2019.

3 THE COURT: So, it seems to me that at least those men
4 out of the 25 are reasonably considered comparators. I don't
5 agree with the argument that plaintiff is restricted to the
6 comparators at, that she has made and identified in the
7 complaint as I agree with the legal proposition that part of
8 the purpose of discovery is to identify comparators so that is
9 what I am inclined to order.

10 But, let me ask the plaintiff why you wanted more than
11 that.

12 MS. GREENE: Thank you, your Honor. This is Cara
13 Greene.

14 While technical director may have some value in terms
15 of assessing the comparability of individuals, in and of itself
16 it is not determinative. What we know is that plaintiff was in
17 an engineering role. What we have indicated to defendant is
18 that we are not interested in the level 8 or level 9s in an
19 unrelated role so things like marketing or operations or other
20 types of non-engineering roles. But, as to engineering roles,
21 the plaintiff was told repeatedly that -- in Google speak they
22 refer to it as eng roles -- level 8 eng role is the same. To
23 be able to assess comparability under the differing standards
24 of the equal pay law claims and the anti-discrimination claims
25 either we -- we don't believe that the starting point should be

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1 simply the title of technical director. We have noticed a
2 30(b)(6) deposition where we will be able to understand more
3 definitively how Google assigns titles, roles, leveling
4 associated with those titles and roles, etc., but to be able to
5 have that 30(b)(6) deposition to be able to explore and then be
6 able to narrow for purposes of summary judgment and ultimately
7 trial, the correct pool of comparators, we have to start with
8 that broader pool.

9 THE COURT: So let me just interrupt there and make
10 sure I understand.

11 So, in other words you are saying that you would like
12 to draw comparators from all of the people who were in an "eng
13 role," meaning in an engineering role, and that you are not
14 exactly sure what all of those positions are but that you have.
15 That is something you want to cover in your 30(b)(6)
16 deposition; is that right?

17 MS. GREENE: That's right. And this information, and
18 just to be clear as well, we are looking within the United
19 States, not outside of the U.S. This information is widely
20 available. Our client is able to use Google systems to search
21 herself for either the names of individuals who are in an
22 engineering level role at level 8 or 9. So, it is not
23 difficult information to gather. However, that doesn't provide
24 the information with respect to the other components including
25 compensation that would also be relevant both for purposes of